

PUBLIC HEARING--Sept. 22, 1965

Appeal #8362 Richard West, et al. appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on September 28, 1965:

ORDERED:

That the appeal for a variance from the side yard requirements of the R-1-B District to permit a two-story rear addn. to the dwelling at 4516 -43rd St. N.W., lot 833, square 1647, be granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lot, which is located in the R-1-B District, is triangular in shape with a frontage of 59.06 feet on 43rd St. and 141.41 feet along Murdock Mill Road, being a corner lot. The lot contains an area of ~~566~~ 4503 square feet.

(2) The lot is improved with a detached single-family dwelling having two side yards of 1.90 feet on Murdock Hill Road and 5.75 feet on its north boundary, whereas minimum yard requirements are now eight feet.

(3) This building was erected prior to the promulgation of new regulations in 1958 and met the requirements of all regulations at the time of its construction as streets and alleys could be used as side yard space.

(4) Appellant proposes to erect a rear addition on line with the north portion of the building, said addition being two stories in height and being 12 feet in depth and 14 feet in width. The proposed addition is practically on line with the abutting property to the north.

(5) There was no objection to the granting of this appeal registered at the public hearing. However, there was a letter in opposition filed by the owner of premises 4520 - 43rd St.

OPINION:

We are of the opinion that appellant has proven a hardship within the provisions of Section 8207.11 of the Zoning Regulations and that a denial of the request would result in peculiar and exceptional practical difficulties to or undue hardship upon the owner. It is our opinion that the addition proposed, although not meeting the side yard requirements of the R-1-B District is so located with respect to other dwellings as not to affect adversely conditions of light and air thereto. We are further of the opinion that to require moving the addition in by approximately two and one-quarter feet would not change conditions of light and air to adjoining properties.

In view of the above it is our opinion that this relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.